

No. 2022-1642

United States Court of Appeals
for the Federal Circuit

CARAVAN CANOPY INTERNATIONAL, INC.,

Appellant

v.

Z-SHADE CO., LTD., COSTCO WHOLESALE CORPORATION, LOWE'S
HOME CENTERS, LLC, SHELTERLOGIC CORP.,

Appellees

*Appeal from the Patent Trial and Appeal Board of the United States Patent and
Trademark Office in IPR 2020-01026*

**REPLY IN SUPPORT OF AMENDED MOTION FOR LEAVE TO
ACCEPT LATE-FILED JOINT APPENDIX**

STEPHEN M. LOBBIN, ESQ.
SML AVVOCATI P.C.
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(949) 636-1391

Counsel for Patent Owner/Appellant

FEBRUARY 13, 2023

CERTIFICATE OF INTEREST

Pursuant to FCR 28(a)(1) and 47.4, counsel for the Patent Owner/Appellant certifies the following:

1. The full name of every party or amicus represented in the case by me is Patent Owner/Appellant Caravan Canopy International, Inc. (“Caravan”).
2. The name of the real party in interest (if the party named in the caption is not the real party in interest): N/A
3. There is no parent corporation or publicly held corporation that owns 10% or more stock in this entity.
4. The names of all law firms and the partners and associates that have appeared for these parties in the lower tribunal or are expected to appear for them in this court, are as follows: Kyle W. Kellar, Jason C. Martone and Steven French of Lewis Roca Rothgerber Christie LLP.
5. Any case pending in this or any other court or agency that will directly affect or be directly affected by this court’s decision in the pending appeal: N/A
6. Information required by FRAP 26.1(b)-(c) that identifies organizational victims in criminal cases and debtors and trustees in bankruptcy cases: N/A

Respectfully submitted,

Dated: February 13, 2023

/s/ Stephen M. Lobbin

Counsel for Patent Owner/Appellant

Pursuant to Fed. R. App. P. 27 and FCR 28(a)(5), Appellant Caravan replies hereby in favor of its motion, and respectfully states as follows:

1. On July 26, 2022, Caravan sent Appellees a paginated appendix with a table of contents. *See* Lobbin Decl. ¶ 2, Ex. 1.

2. At no point did Appellees ever comment on the contents of the paginated appendix, or ask for any materials to be added or removed. *See* Lobbin Decl. ¶ 3.

3. Caravan limited the as-filed joint appendix to the pages cited in the opening and response briefs. *See* Lobbin Decl. ¶ 4.

CONCLUSION AND STATEMENT OF RELIEF SOUGHT

For the foregoing reasons, Caravan respectfully requests that this Court grant leave for, and accept the late filing of, the Joint Appendix filed January 20, 2023.

Respectfully submitted,

February 13, 2023

/s/ Stephen M. Lobbin
Counsel for Plaintiff-Appellant

DECLARATION OF STEPHEN M. LOBBIN

I, Stephen M. Lobbin, declare and state as follows:

1. I am Founding Partner of SML Avvocati P.C., counsel to Appellant Caravan Canopy International, Inc., (“Caravan”) in the above-referenced action. I have personal knowledge of the facts stated herein, and if called to testify as a witness, I could and would testify competently thereto.

2. On July 26, 2022, Caravan sent Appellees a paginated appendix with a table of contents. Attached herewith as Exhibit 1 is a true and correct the transmittal email.

3. At no point did Appellees ever comment on the contents of the paginated appendix, or ask for any materials to be added or removed.

4. Caravan limited the as-filed joint appendix to the pages cited in the opening and response briefs.

I declare under penalty of perjury pursuant to 28 U.S.C. § 1746 and the laws of the United States of America that the foregoing is true and correct and if called to testify, I could and would competently do so.

Executed on this 13th day of February 2023 at San Diego, California.

/s/ Stephen M. Lobbin

PROOF OF SERVICE

I hereby certify that on February 13, 2023, I electronically filed the above document(s) with the Clerk of Court using CM/ECF which will send electronic notification of such filing(s) to all registered counsel.

/s/ Stephen M. Lobbin

CERTIFICATE OF COMPLIANCE

This motion complies with the typeface and type style requirements of Fed. R. App. P. 27(d)(1)(E), 32(a)(5) and Rule 32(a)(6), and the type-volume limitation of Fed. R. App. P. 27(d)(2)(A), as it does not exceed 5,200 words.

/s/ Stephen M. Lobbin

EXHIBIT 1



Josh Osborn <jno@smlavvocati.com>

Caravan Appeal re '040 Patent

Josh Osborn <jno@smlavvocati.com>

Tue, Jul 26, 2022 at 5:27 PM

Cc: "Lauren Keller" <lauren.katzenellenbogen@knobbe.com>, "bill@brownwegner.com" <bill@brownwegner.com>, "jhorvackjr@carmodylaw.com" <jhorvackjr@carmodylaw.com>, "Ben Shiroma" <Ben.Shiroma@knobbe.com>, "Peter Toller" <Peter.Toller@knobbe.com>, "kumar@maheshlaw.com" <kumar@maheshlaw.com>, "jcedmondson@edmolaw.com" <jcedmondson@edmolaw.com>, "lsattorney2002@yahoo.com" <lsattorney2002@yahoo.com>, "aavery@brownwegner.com" <aavery@brownwegner.com>, "mgalvez@brownwegner.com" <mgalvez@brownwegner.com>, "david@colemanfrost.com" <david@colemanfrost.com>, "melissa@colemanfrost.com" <melissa@colemanfrost.com>, "derrick@colemanfrost.com" <derrick@colemanfrost.com>, "iamiot@carmodylaw.com" <iamiot@carmodylaw.com>, "mwegner@brownwegner.com" <mwegner@brownwegner.com>, "Michael.Friedland" <Michael.Friedland@knobbe.com>, 2pxt <2PxT@knobbe.com>, Stephen Lobbin <sml@smlavvocati.com>


Counsel,

Please find attached the paginated appendix and list of docs in the appeal.

 [Rough Appendix Numbered.pdf](#)

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 [Caravan Appendix table of contents.xlsx](#)
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